

REMARKS

Claims 1-14 are pending. Claims 1, 5, 9 and 12 are independent. Claim 1 has been amended.

The drawings are objected to due to unlabeled boxes. The drawings have been amended to attend to the objections, and withdrawal of the objections is requested.

The specification is objected to because the title is allegedly not descriptive. The title has been amended to attend to the objection, and withdrawal of the objection is requested.

In the Office Action, claims 1-4 stand rejected under 35 U.S.C. § 101 because the claimed inventions allegedly are directed to non-statutory subject matter because they allegedly do not produce a tangible result.

Claim 1 has been amended to include the step of "initiating an alarm if the third indication of the distance is above a predetermined threshold value." Support for this amendment can be found in the present application as published (US 2006/0044181 A1) at least at paragraph [0032]. Accordingly, applicants submit that the method of amended claim 1 produces a tangible result, and that the rejections to claim 1, and claims 2-4 depending therefrom, have been obviated, and withdrawal of the rejections to claims 1-4 under 35 U.S.C. § 101 is requested.

Claims 1-14 are rejected under 35 U.S.C. § 103(a), as being unpatentable over a combination of U.S. Patent No. 5,796,364 (Fuchter) and U.S. Patent No. 3,659,292 (Low).

For a proper rejection under 35 U.S.C. 103(a), the prior art references when combined must teach or suggest all the claim limitations (MPEP 706.02(j)). Applicants submit that neither Fuchter nor Low, either alone, or in combination, teach or suggest all of the claims limitations of claim 1.

For example, neither of the cited references teach or suggest:

a method of determining a distance between a first device and a second device, comprising, at the first device, transmitting a signal comprising simultaneous first and second components, wherein the first component comprises a repeated first code and the second component comprises a repeated second code **and the first and second codes are of unequal duration.**

(emphasis added).

For the limitation of first and second codes being of unequal duration, the Office Action relies upon Fuchter. Fuchter, however, merely describes the use of "two pulse trains having different pulse repetition frequencies." (Fuchter at column 2, lines 8-14). While Fuchter describes different pulse repetition frequencies, it does not describe **first and second codes are of unequal duration** as recited by claim 1. Pulse frequencies are different from code durations. Fuchter does not describe first and second codes are of unequal duration.

Low does not cure the deficiencies of Fuchter with respect to the claimed first and second codes of unequal duration, nor does the Office Action describe any such description with respect to Low.

Accordingly, at least for this reason, applicants submit that claim 1 is patentable

over any Fuchter-Low combination.

Further, neither Fuchter nor Low teach or suggest "transmitting a signal comprising simultaneous first and second components," as recited by claim 1. As conceded in the Office Action, Fuchter does not teach or suggest this limitation. With regard to Low, the Office Action contends that Low discloses that "simultaneous code sequence transmission is common in the prior art," and that Low teaches "sequential transmission to reduce signal degradation." The Office Action also contends that "signal degradation would not be so serious over the (likely) shorter distances of Fuchter's ranging system." Applicants can not find any such teaching in either Fuchter or Low, and thus assume that the Examiner is taking official notice of these contentions. If the Examiner is taking official notice, applicants request that the Examiner provide evidence of this teaching. Alternatively, applicants request that the Examiner point to specific teachings in the references.

Applicants submit that neither Fuchter nor Low, alone or in combination teach or suggest the recited limitation of "transmitting a signal comprising simultaneous first and second components," in combination with the other claimed features of claim 1.

Accordingly, at least for this additional reason, applicants submit that claim 1 is patentable over any Fuchter-Low combination.

Claims 5, 9 and 12, while differing in form and scope from claim 1, recite features similar to those discussed above with respect to claim 1, and are therefore deemed patentable over any Fuchter-Low combination for at least the same reasons as claim 1.

Each of claims 2-4, 6-8, 10, 11, 13 and 14 depend from one of claims 1, 5, 9 and 12 and are therefore deemed patentable over any Fuchter-Low combination for at least the same

reasons as discussed above with respect to claims 1, 5, 9 and 12.

Claims 14 is rejected under 35 U.S.C. § 103(a), as being unpatentable over a combination of Fuchter, Low and U.S. Patent No.6,295,019 (Richards).

As described above, claim 14 is deemed patentable over any Fuchter-Low combination for at least the same reasons as claim 12.

Richards does not cure the deficiencies of Fuchter and Low.

Accordingly, applicants submit that claim 14 is patentable over any Fuchter-Low-Richards combination.

Therefore, withdrawal of the rejections to claims 1-14 under 35 U.S.C. § 103(a) is requested.

In view of the above remarks, reconsideration and allowance of the present application is respectfully requested.

Respectfully submitted,

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Date: 24 October 2007

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